

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

CIVIL ACTION NO: 2:24-CV-00490

-----X
IN THE MATTER OF COEYMANS MARINE
TOWING, LLC D/B/A CARVER MARINE
TOWING AS OWNER AND OPERATOR OF M/T
MACKENZIE ROSE, (IMO NO. 8968765) HER
CARGO, ENGINES, BOILERS, TACKLE, EQUIPMENT,
APPAREL, AND APPURTENANCES, ETC., IN REM,
("M/T MACKENZIE ROSE"),

PETITIONING FOR EXONERATION FROM OR
LIMITATION OF LIABILITY IN ALLISION WITH
NORFOLK AND PORTSMOUTH BELT LINE RAILROAD
COMPANY MAIN LINE RAILROAD BRIDGE
(THE "BRIDGE") OCCURRING JUNE 15, 2024 IN
AND ABOUT THE ELIZABETH RIVER, VIRGINIA.

-----X

April 30, 2025
12:39 p.m.

AN IN PERSON DEPOSITION of SHARIF
PORTER, a Defendant herein, taken by the
respective parties, pursuant to Order, held
at the offices of 405 Lexington Avenue, New
York, New York, before Larin Kaywood, a
Notary Public for and within the State of
New York.

JOB NO.: 112264

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<p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3 CLYDE & CO US LLP</p> <p>4 Attorneys for Coeymans Marine Towing, LLC</p> <p>5 30 S. Wacker Drive, Suite 2600</p> <p>6 Chicago, IL 60606</p> <p>7 BY: JAMES H. RODGERS, ESQ.</p> <p>8 MICHAEL ROMAN, ESQ.</p> <p>9 E-mail: Michael.roman@clydeco.us</p> <p>10 James.rodgers@clydeco.us</p> <p>11</p> <p>12</p> <p>13 CRENSHAW, WARE & MARTIN, P.L.C.</p> <p>14 Attorneys for Defendant Norfolk</p> <p>15 Portsmouth Belt Line Railroad Company</p> <p>16 150 W. Main Street Suite 1500</p> <p>17 Norfolk, Virginia 23510</p> <p>18 BY: JAMES L. CHAPMAN, ESQ.</p> <p>19 E-mail: Jchapman@cwm-law.com</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>ALSO PRESENT: INGRID CONTRERAS, THE</p> <p>VIDEOGRAPHER:</p>	<p>1 INDEX</p> <p>2</p> <p>3 EXAMINATION OF SHARIF PORTER</p> <p>4 EXAMINATION BY PAGE</p> <p>5 MR. CHAPMAN 6</p> <p>6</p> <p>7 PREVIOUSLY MARKED EXHIBITS</p> <p>8</p> <p>9 Exhibit 1 - PICTURE 41</p> <p>10 Exhibit 2 - FOUR PHOTOGRAPHS 41</p> <p>11 Exhibit 4 - COLLECTION OF DOCUMENTS 62</p> <p>12 Exhibit 6 - DAILY LOG 54</p> <p>13 Exhibit 15 - THREE-PAGE EXHIBIT 44</p> <p>14 Exhibit 23 - PHOTOCOPIES OF PAGES FROM A LOGBOOK 58</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 A L S O P R E S E N T:</p> <p>2 (VIA VIDEOCONFERENCE)</p> <p>3</p> <p>4 BUTLER WEIHMULLER KATZ CRAIG, LLP</p> <p>5 COUNSEL FOR EVANSTON INSURANCE COMPANY,</p> <p>6 S/S/O NORFOLK AND PORTSMOUTH BELT LINE</p> <p>7 RAILROAD COMPANY</p> <p>8 11525 N. COMMUNITY HOUSE ROAD</p> <p>9 SUITE 300</p> <p>10 CHARLOTTE, NORTH CAROLINA 28277</p> <p>11 BY: ZACHARY M. JETT, ESQ.</p> <p>12 E-MAIL: ZJETT@BUTLER.LEGAL</p> <p>13 CRENSHAW, WARE & MARTIN, PLC</p> <p>14 ATTORNEYS FOR NORFOLK AND PORTSMOUTH</p> <p>15 BELT LINE RAILROAD COMPANY</p> <p>16 150 WEST MAIN STREET, SUITE 1500</p> <p>17 NORFOLK, VIRGINIA 23510</p> <p>18 BY: W. RYAN SNOW, ESQ.</p> <p>19 MACKENZIE PENNSYL, ESQ.</p> <p>20 SINNOT, NUCKOLS & LOGAN, P.C.</p> <p>21 COUNSEL FOR EVANSTON INSURANCE COMPANY,</p> <p>22 S/S/O NORFOLK AND PORTSMOUTH BELT LINE</p> <p>23 RAILROAD COMPANY</p> <p>24 13811 VILLAGE MILL DRIVE</p> <p>25 MIDLOTHIAN, VIRGINIA 23114</p> <p>BY: MARK C. NANAVATI, ESQ.</p> <p>CHRISTOPHER JONES, ESQ.</p> <p>E-MAIL: MNANAVATI@SNLLAW.COM</p> <p>CJONES@SNLLAW.COM</p>	<p>1 THE VIDEOGRAPHER: This is the beginning of</p> <p>2 Media Number 1 in the deposition of Sharif</p> <p>3 Porter, in the matter of Coeymans Marine,</p> <p>4 d/b/a Carver Marine Towing. Case number</p> <p>5 2:24-CV-00490.</p> <p>6 Today's date is Wednesday, April 30th,</p> <p>7 2025, and the time on the monitor is 12:29</p> <p>8 p.m.</p> <p>9 My name is Ingrid Contreras, and I am the</p> <p>10 videographer. The court reporter is Larin</p> <p>11 Kaywood. We are here with Rosenberg &</p> <p>12 Associate, Inc.</p> <p>13 All appearances are recorded on the</p> <p>14 stenographer record.</p> <p>15 The court reporter will now swear in the</p> <p>16 witness.</p> <p>17 S H A R I F P O R T E R, having first been</p> <p>18 duly sworn by a Notary Public for and</p> <p>19 within the State of New York, upon being</p> <p>20 examined, testified as follows:</p> <p>21 THE REPORTER: Can I have your</p> <p>22 first and last name for the record,</p> <p>23 please?</p> <p>24 THE WITNESS: Sharif. The last</p> <p>25 name is Porter.</p>

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<p>1 THE REPORTER: And your address</p> <p>2 for the record?</p> <p>3 THE WITNESS: 68 Hendricks</p> <p>4 Avenue, Staten Island, New York,</p> <p>5 10301.</p> <p>6 EXAMINATION BY</p> <p>7 MR. CHAPMAN:</p> <p>8 Q. Good afternoon, Mr. Porter.</p> <p>9 My name is Jim Chapman. I</p> <p>10 represent the Norfolk and Portsmouth Belt</p> <p>11 Line Railroad Company. And we are here</p> <p>12 today in connection with a lawsuit that was</p> <p>13 filed by Carver seeking to limits its</p> <p>14 liability for damage caused to the Belt</p> <p>15 Line Bridge that occurred on June 15th,</p> <p>16 2024 by Carver Marine Towing -- by the Tug</p> <p>17 Mackenzie Rose and the barge that it was</p> <p>18 pushing.</p> <p>19 Do you understand that?</p> <p>20 A. Yes.</p> <p>21 Q. We've gotten your name, gotten</p> <p>22 your address. What's your date of birth,</p> <p>23 sir?</p> <p>24 A. 12/1/'69.</p> <p>25 Q. Okay. Have you ever been</p>	<p>1 A. Got you.</p> <p>2 Q. Way people can communicate, but</p> <p>3 just the court reporter can't take down</p> <p>4 head nods.</p> <p>5 A. Okay.</p> <p>6 Q. She's trying to type up the</p> <p>7 record of what the answers are, okay?</p> <p>8 A. Yes.</p> <p>9 Q. Great. How long have you</p> <p>10 worked for Carver Marine Towing?</p> <p>11 A. I think seven years.</p> <p>12 Q. And what is current position?</p> <p>13 A. I'm deckhand, AB deckhand.</p> <p>14 Q. Have you always been a</p> <p>15 deckhand?</p> <p>16 A. Yes, I have.</p> <p>17 Q. Are you currently assigned to</p> <p>18 the Tug Mackenzie Rose?</p> <p>19 A. Yes, I am.</p> <p>20 Q. Have you ever been assigned any</p> <p>21 other vessels --</p> <p>22 A. Yes, I have.</p> <p>23 Q. I understand that you were a</p> <p>24 member of the crew of the Tug Mackenzie</p> <p>25 Rose on June 15th, 2024?</p>
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<p>1 deposited before?</p> <p>2 A. No.</p> <p>3 Q. Have you ever been to one of</p> <p>4 these?</p> <p>5 A. No.</p> <p>6 Q. Okay. You ever testified</p> <p>7 before?</p> <p>8 A. No.</p> <p>9 Q. So it's good to try to exercise</p> <p>10 good radio discipline. So if I'm asking a</p> <p>11 question, wait to give your answer until</p> <p>12 I'm done. Your lawyer might have an</p> <p>13 objection, who knows, and I'll do my best</p> <p>14 to not interrupt you when you're giving</p> <p>15 your answer, okay?</p> <p>16 A. No problem.</p> <p>17 Q. If you don't understand any of</p> <p>18 the question that I'm asking, feel free to</p> <p>19 get a clarification. I'll do the best I</p> <p>20 can. The other thing is, in terms of yours</p> <p>21 answer, you need to give an audible answer,</p> <p>22 a yes or a no. You have tendency to kind</p> <p>23 of shake your head.</p> <p>24 A. Yes.</p> <p>25 Q. And I understand that.</p>	<p>1 A. Yes.</p> <p>2 Q. Remember that?</p> <p>3 A. Mm-hmm.</p> <p>4 Q. All right. So you've obviously</p> <p>5 got an AB ticket -- merchant mariner's</p> <p>6 credential, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Did you work anywhere else as a</p> <p>9 deckhand before you went to Carver seven</p> <p>10 years ago?</p> <p>11 A. Miller's Launch, and I worked</p> <p>12 as a rigger offshore in the Gulf of Mexico.</p> <p>13 Q. On a platform, on a rig?</p> <p>14 A. Supply vessels.</p> <p>15 Q. Supply vessel, okay. So how</p> <p>16 long have you been in the marine business?</p> <p>17 A. 10 years.</p> <p>18 Q. So sounds like a few years down</p> <p>19 in the Gulf, and then -- what was the name</p> <p>20 of the company?</p> <p>21 A. Miller's Launch.</p> <p>22 Q. Miller's Launch?</p> <p>23 A. Yes.</p> <p>24 Q. All right.</p> <p>25 A. And I have worked on tug boats,</p>

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<p style="text-align: right;">Page 10</p> <p>1 and supply vessels and crew boats there.</p> <p>2 Q. How long have you have had an</p> <p>3 AB ticket?</p> <p>4 A. Five years, I think.</p> <p>5 Q. Five?</p> <p>6 A. I believe so.</p> <p>7 Q. Is that the current one that</p> <p>8 you are on or --</p> <p>9 A. Yes.</p> <p>10 Q. -- did you have one before</p> <p>11 that?</p> <p>12 A. No.</p> <p>13 Q. Okay. So when you first</p> <p>14 started working for Carver, did you have an</p> <p>15 AB ticket?</p> <p>16 A. No.</p> <p>17 Q. Okay. So when you first hired</p> <p>18 on for Carver, were you a deckhand or did</p> <p>19 you have some other job?</p> <p>20 A. I was a deckhand, I was a OS.</p> <p>21 Q. Okay.</p> <p>22 A. Yes, OS. And then AB, but I</p> <p>23 had experience though from my previous.</p> <p>24 Q. Understood. Besides your</p> <p>25 current role as a deckhand in the first job</p>	<p style="text-align: right;">Page 12</p> <p>1 things like that.</p> <p>2 Q. The handbook, does it have a</p> <p>3 title, you know, as a -- like a book?</p> <p>4 A. I forget the name of the book,</p> <p>5 the title of it.</p> <p>6 Q. Can you hold up your fingers</p> <p>7 and give us an idea of how thick it was?</p> <p>8 A. It's maybe that thick.</p> <p>9 Q. So a little bit more --</p> <p>10 A. Yeah.</p> <p>11 Q. -- a little more than an inch?</p> <p>12 A. Yeah.</p> <p>13 Q. All right. And does it say</p> <p>14 something like it's Carver's handbook or</p> <p>15 Carver something on it?</p> <p>16 A. It is -- Carver's name is on</p> <p>17 it, yeah.</p> <p>18 Q. But it's a paper book. It's</p> <p>19 not like an electronic document.</p> <p>20 A. No.</p> <p>21 Q. That you can only see on a</p> <p>22 screen?</p> <p>23 A. They have one on the screen</p> <p>24 also, I believe on Helm CONNECT, but it</p> <p>25 posted on all of the vessels.</p>
<p style="text-align: right;">Page 11</p> <p>1 you had when you have first started as an</p> <p>2 OS, have you held any other positions with</p> <p>3 Carver Marine Towing?</p> <p>4 A. No.</p> <p>5 Q. What is the normal crew</p> <p>6 rotation on the Tug Mackenzie Rose today?</p> <p>7 A. Today is three weeks. We do</p> <p>8 three weeks hitches, three weeks off.</p> <p>9 Q. Three on, three off?</p> <p>10 A. Right.</p> <p>11 Q. Back in June of 2025, was it</p> <p>12 two on, two off?</p> <p>13 A. Yes, it was.</p> <p>14 Q. Two weeks on, two weeks off?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. When you hired on to</p> <p>17 Carver Marine Towing, did you receive any</p> <p>18 specific training in deckhand duties?</p> <p>19 A. Was posted in the handbook,</p> <p>20 yes.</p> <p>21 Q. So tell me about the handbook.</p> <p>22 A. Basic, we go around the vessel</p> <p>23 to make sure there's no hazards going</p> <p>24 around and things like that. If the lines</p> <p>25 are frayed, we replace the lines, and</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. So there's a book</p> <p>2 somewhere on all the vessels with this,</p> <p>3 like a handbook on how to be a deckhand?</p> <p>4 A. Yes. Our -- that -- there's</p> <p>5 like placement cards, illuminated cards</p> <p>6 that -- well, pages that's on there as far</p> <p>7 as the deckhand duties on the vessel.</p> <p>8 Q. Okay. When you first hired on,</p> <p>9 did they make you read that book, or how</p> <p>10 did you use it?</p> <p>11 A. They gave it to us and told us</p> <p>12 to go over it. We did drills on a boat and</p> <p>13 things like that as far as if anything was</p> <p>14 ever happening on the vessel.</p> <p>15 Q. When they gave you the book,</p> <p>16 was it your own personal copy or was it</p> <p>17 just the book that is on the boat and</p> <p>18 you're told that it's there?</p> <p>19 A. It's a personal copy and</p> <p>20 there's also copies on the vessels.</p> <p>21 Q. All right. Do you still have</p> <p>22 your personal copy?</p> <p>23 A. I don't know.</p> <p>24 Q. When they gave you your</p> <p>25 first -- your personal copy --</p>

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1	A. Mm-hmm.	1	Q. Have you ever seen other people
2	Q. -- where did you first keep it?	2	make entries in Helm CONNECT?
3	A. At my house.	3	A. Yes, I have.
4	Q. At your home?	4	Q. Have you ever looked up
5	A. Yes.	5	anything in Helm CONNECT?
6	Q. All right. In Staten	6	A. No, I haven't.
7	Island --	7	Q. You just know that it's a
8	A. Yes.	8	system that -- -
9	Q. -- I think you have said?	9	A. Yes.
10	A. Yes.	10	Q. -- access some information.
11	Q. You've been living there for	11	So in terms of the book
12	seven years?	12	information, whatever you got in that book,
13	A. No. I've been living there	13	do you actually know that it's in Helm
14	with -- like 20 years.	14	CONNECT?
15	Q. Okay. So your permanent home?	15	A. No, I don't.
16	A. Yes.	16	Q. You're just sort of assuming
17	Q. Got it. Do you know whether	17	that -- -
18	it's still there?	18	A. Yes, I have.
19	A. I have no clue.	19	Q. -- it's there.
20	Q. Would you ever take it to work	20	THE REPORTER: You have to give
21	with you?	21	him --
22	A. No.	22	THE WITNESS: Oh, I'm sorry.
23	Q. Did you read it when you first	23	Go ahead.
24	got it?	24	MR. CHAPMAN: Give me a minute
25	A. I breezed through it, yes.	25	to finish the question.
Page 15		Page 17	
1	Q. Did they make you sign anything	1	THE WITNESS: Okay.
2	to acknowledge that they'd given you a copy	2	MR. CHAPMAN: I know you know
3	of the book?	3	what I'm asking.
4	A. I don't remember.	4	THE WITNESS: Mm-hmm.
5	Q. Sometimes there's forms that	5	MR. CHAPMAN: Okay. That's
6	say, you know, I got this book and I read	6	just kind of the way people talk, but
7	it or that's what --	7	it's hard for her to keep up.
8	A. I don't remember.	8	THE WITNESS: To keep up, I got
9	Q. You don't remember?	9	you.
10	A. No.	10	Q. So they gave you a book
11	Q. Okay. Is that the only book	11	was -- when you first hired on. Was there
12	they've ever given you?	12	any other training that you had to complete
13	A. Yes, I believe so.	13	when you first hired on with Carver? Any
14	Q. Okay. Now, you said that it's	14	classes you had to go to, tests you needed
15	also a book that you can -- or some kind of	15	to take, that sort of thing?
16	Helm CONNECT record, right? Did I	16	A. No. I think we took a video on
17	understand that correctly?	17	safety when I first got hired, and that was
18	A. Yes, I believe so.	18	it.
19	Q. What's Helm CONNECT?	19	Q. While you've been an employee
20	A. Helm CONNECT is where we put in	20	of Carver, has there ever been anybody that
21	all of our information on the vessel, and	21	you know of that has the title, safety
22	things like that.	22	manager?
23	Q. Do you make entries in Helm	23	A. Yes.
24	CONNECT?	24	Q. Who?
25	A. No, I don't.	25	A. I don't know the guy's name.

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<p style="text-align: right;">Page 18</p> <p>1 Q. Is he currently an employee of</p> <p>2 Carver?</p> <p>3 A. I met a couple of safety</p> <p>4 managers there. I have no clue.</p> <p>5 Q. Is there somebody there now</p> <p>6 that has the title, safety manager?</p> <p>7 A. I believe so.</p> <p>8 Q. Do you know whether he was</p> <p>9 there before June 15th, 2024?</p> <p>10 A. No, I don't.</p> <p>11 Q. And when you say you met him,</p> <p>12 did he over the boat?</p> <p>13 A. Yes, he did.</p> <p>14 Q. And what, introduced himself?</p> <p>15 A. Introduced himself, passed out</p> <p>16 hard hats, vests and things like that.</p> <p>17 Q. Did he do any safety training</p> <p>18 himself?</p> <p>19 A. I don't remember.</p> <p>20 Q. So with reference to June 15th,</p> <p>21 2024, do you remember who all was in the</p> <p>22 crew that day?</p> <p>23 A. Yes.</p> <p>24 Q. Who?</p> <p>25 A. Jimmy, Chris Miller, Jason, and</p>	<p style="text-align: right;">Page 20</p> <p>1 A. I believe so.</p> <p>2 Q. Okay. After this particular</p> <p>3 voyage -- and the voyage I'm talking about</p> <p>4 is the one where the vessel hit the bridge,</p> <p>5 okay?</p> <p>6 Was he relieved of duties,</p> <p>7 Captain Jimmy Morrissey?</p> <p>8 MR. RODGERS: Objection to</p> <p>9 form.</p> <p>10 Q. If you know.</p> <p>11 A. I don't know.</p> <p>12 Q. Did you ever sail with him</p> <p>13 again with Carver after that voyage?</p> <p>14 A. I don't remember.</p> <p>15 Q. When was the last time you</p> <p>16 remember sailing with him?</p> <p>17 A. Probably the day of the hitch</p> <p>18 of the incident.</p> <p>19 Q. Okay. Do you know where he's</p> <p>20 working now?</p> <p>21 A. No, I don't.</p> <p>22 Q. Now, after this incident, did</p> <p>23 Captain Miller continue to serve as the</p> <p>24 master of the Mackenzie Rose?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 19</p> <p>1 Jarkies and myself.</p> <p>2 Q. All right. So Chris Miller was</p> <p>3 the captain or the master of the vessel?</p> <p>4 A. Yes.</p> <p>5 Q. What about -- you called him</p> <p>6 Jimmy. Is that the name --</p> <p>7 A. James.</p> <p>8 Q. -- Jimmy Morrissey?</p> <p>9 A. Yes.</p> <p>10 Q. All right. And the engineer</p> <p>11 Jason?</p> <p>12 A. Jason.</p> <p>13 Q. Is that Jason McGrath?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And then you mentioned</p> <p>16 Jarkies?</p> <p>17 A. Yes.</p> <p>18 Q. Morrissey?</p> <p>19 Was Captain Jimmy Morrissey</p> <p>20 also at times the master of the vessel?</p> <p>21 A. Yes, he was.</p> <p>22 Q. Okay. So he was just pulling</p> <p>23 another two-week shift --</p> <p>24 A. Yes, I believe so.</p> <p>25 Q. -- during this evolution?</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. For at least, you know, on his</p> <p>2 cycle?</p> <p>3 A. Right.</p> <p>4 Q. Two on, two off?</p> <p>5 A. Mm-hmm.</p> <p>6 Q. Was that the normal cycle that</p> <p>7 you worked on with Captain Miller as the</p> <p>8 captain?</p> <p>9 A. Yes.</p> <p>10 Q. So you didn't normally work</p> <p>11 with Captain Morrissey on the two-week</p> <p>12 cycle --</p> <p>13 A. No.</p> <p>14 Q. -- right?</p> <p>15 A. No.</p> <p>16 Q. Okay. So you were the senior</p> <p>17 deckhand on the Mackenzie Rose, right?</p> <p>18 A. You can say that.</p> <p>19 Q. So the senior deckhand normally</p> <p>20 works the best shifts, right?</p> <p>21 A. Mm-hmm.</p> <p>22 THE REPORTER: Yes.</p> <p>23 A. Yes.</p> <p>24 Q. So you had the 6:00 a.m. to</p> <p>25 noon?</p>

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<p>1 A. Yes.</p> <p>2 Q. And then the 6:00 p.m. to</p> <p>3 midnight --</p> <p>4 A. Yes.</p> <p>5 Q. -- watch, right?</p> <p>6 A. Yes.</p> <p>7 Q. There's information that the</p> <p>8 incident the with Belt Line Bridge was in</p> <p>9 the late afternoon of June 15th --</p> <p>10 A. Yes.</p> <p>11 Q. -- around 4:30 p.m.?</p> <p>12 A. Yes.</p> <p>13 Q. What were you doing at the</p> <p>14 time?</p> <p>15 A. I was asleep.</p> <p>16 Q. Does every member of the crew</p> <p>17 have their own bunk on the --</p> <p>18 A. Yes.</p> <p>19 Q. -- Mackenzie Rose?</p> <p>20 A. Yes.</p> <p>21 Q. Did you get a room too or is it</p> <p>22 just a bunk?</p> <p>23 A. A room.</p> <p>24 Q. Okay. That's what I thought,</p> <p>25 but I just want to understand.</p>	<p>1 A. No. It just -- it felt like</p> <p>2 the boat slid.</p> <p>3 Q. Okay. What do you mean by</p> <p>4 slide or slid?</p> <p>5 A. It just slid over to the left</p> <p>6 side a little bit.</p> <p>7 Q. Okay. So you felt the tug</p> <p>8 slide to the left?</p> <p>9 A. Yes.</p> <p>10 Q. Move to the left?</p> <p>11 A. Yes.</p> <p>12 Q. And on boats, they call it the</p> <p>13 port side, right?</p> <p>14 A. Right.</p> <p>15 Q. Okay. It seemed different to</p> <p>16 you?</p> <p>17 A. It felt like the push gear have</p> <p>18 parted.</p> <p>19 Q. You've had that experience</p> <p>20 before?</p> <p>21 A. Yes, I have.</p> <p>22 Q. And it causes -- if the push</p> <p>23 gear fails, the tug can slide one way or</p> <p>24 the other?</p> <p>25 A. Yes.</p>
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<p>1 So you had gone off watch at</p> <p>2 noon, right?</p> <p>3 A. Yes.</p> <p>4 Q. And what's your, kind of,</p> <p>5 normal routine then? You have lunch before</p> <p>6 you go lay down and get some sleep?</p> <p>7 A. Not really. I just -- there's</p> <p>8 jump in a rack.</p> <p>9 Q. Okay. And then when you get</p> <p>10 up, you eat?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. What was the first</p> <p>13 indication or information that you got on</p> <p>14 June 15th, 2024 that there'd been an</p> <p>15 incident with the bridge?</p> <p>16 A. It felt like the boat just</p> <p>17 stopped, and I went up to the warehouse and</p> <p>18 I asked the captain if everything was okay.</p> <p>19 He was like, yeah, and I got back in bed.</p> <p>20 THE REPORTER: And you got back</p> <p>21 in bed?</p> <p>22 A. Yes, I did.</p> <p>23 Q. So there was at least</p> <p>24 some -- enough of a sensation while you</p> <p>25 were sleeping to wake you up?</p>	<p>1 Q. Right. Depending on which side</p> <p>2 of the push gear comes loose?</p> <p>3 A. Yes.</p> <p>4 Q. Right?</p> <p>5 Had you done anything to make</p> <p>6 that vessel up in push gear before they got</p> <p>7 underway that day?</p> <p>8 A. I helped put the gear on the</p> <p>9 safeties and everything else.</p> <p>10 Q. And was -- you did that before</p> <p>11 you went off watch --</p> <p>12 A. Yes.</p> <p>13 Q. -- at noon? So who else was</p> <p>14 involved in helping set up the push gear?</p> <p>15 A. It's a -- all hands on deck on</p> <p>16 that vessel.</p> <p>17 Q. So the configuration in push</p> <p>18 gear just so everybody knows is the barge</p> <p>19 is at the head end of the tub, right?</p> <p>20 A. Right.</p> <p>21 Q. And it's -- there's two wires</p> <p>22 that connect it?</p> <p>23 A. There's four -- there's five</p> <p>24 lines connected. There's two push gears,</p> <p>25 two safety and a headline.</p>

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<p style="text-align: right;">Page 26</p> <p>1 Q. Okay. And shackles?</p> <p>2 A. No shackles.</p> <p>3 Q. Okay. Chains?</p> <p>4 A. Shackles -- the shackles is on</p> <p>5 the boat.</p> <p>6 Q. All right. Chains?</p> <p>7 A. No.</p> <p>8 Q. Okay. So it's all cables?</p> <p>9 A. Yes.</p> <p>10 Q. All right.</p> <p>11 A. And lines.</p> <p>12 Q. And -- like a soft line?</p> <p>13 A. Yes.</p> <p>14 Q. So how many cables? Two?</p> <p>15 A. Yes.</p> <p>16 Q. Three soft lines?</p> <p>17 A. Yes.</p> <p>18 Q. Got it. So when the push gear</p> <p>19 is set up, does anybody, like, check the</p> <p>20 trim, make sure everything's kind of even,</p> <p>21 that sort of thing?</p> <p>22 A. Yes. It sucks in evenly.</p> <p>23 Q. And is that the deckhand's</p> <p>24 responsibility or is that somebody else's</p> <p>25 responsibilities?</p>	<p style="text-align: right;">Page 28</p> <p>1 far?</p> <p>2 A. No.</p> <p>3 Q. No. So that got you up, right?</p> <p>4 A. Mm-hmm.</p> <p>5 Q. Yes?</p> <p>6 THE REPORTER: Yes.</p> <p>7 A. Yes.</p> <p>8 Q. And then I heard you say you</p> <p>9 went to the upper wheelhouse?</p> <p>10 A. Yes.</p> <p>11 Q. Right. Do you have to go</p> <p>12 through the lower wheelhouse to get to the</p> <p>13 upper wheelhouse?</p> <p>14 A. Yes.</p> <p>15 Q. Was there anybody in the lower</p> <p>16 wheelhouse?</p> <p>17 A. I don't remember.</p> <p>18 Q. But you went to the upper,</p> <p>19 right?</p> <p>20 A. Yes.</p> <p>21 Q. And who did you find in the</p> <p>22 upper wheelhouse?</p> <p>23 A. Jimmy Morrissey.</p> <p>24 Q. The mate?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 27</p> <p>1 A. The deckhands'</p> <p>2 responsibilities.</p> <p>3 Q. Is either the captain or the</p> <p>4 mate out on the four deck of the tug</p> <p>5 directing --</p> <p>6 A. Yes.</p> <p>7 Q. -- what you guys should do?</p> <p>8 A. Yes.</p> <p>9 Q. And do you remember when y'all</p> <p>10 made up to this barge that day, who was out</p> <p>11 on deck providing direction?</p> <p>12 A. No, I don't.</p> <p>13 Q. Okay. Does the engineer get</p> <p>14 involved in doing that?</p> <p>15 A. Yes. The engineer helps also.</p> <p>16 Q. Okay. That's what you mean by</p> <p>17 all hands on deck?</p> <p>18 A. Yes.</p> <p>19 Q. Right, okay. So when</p> <p>20 that -- sometime after that was done, then</p> <p>21 you went and laid down in your bed?</p> <p>22 A. Yes.</p> <p>23 Q. All right. In terms of the</p> <p>24 sensation then of, as you put it, slipping</p> <p>25 or sliding to the left, could you tell how</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Did you ask him what had</p> <p>2 happened?</p> <p>3 A. I asked him, "Was everything</p> <p>4 okay?" He said, "Yes." I was like, "I'm</p> <p>5 getting back in bed," and I went back</p> <p>6 downstairs.</p> <p>7 Q. Did he tell you what had</p> <p>8 happened?</p> <p>9 A. I didn't ask. I was tired. I</p> <p>10 got back in bed.</p> <p>11 Q. Okay.</p> <p>12 A. Once you ask the captain and</p> <p>13 mate if everything is okay, if they say</p> <p>14 yes, that's all I need to hear. Because if</p> <p>15 there was anything else wrong, he would've</p> <p>16 said no, and then we would've had to do</p> <p>17 whatever we needed to do. But he said</p> <p>18 everything was okay, so.</p> <p>19 Q. The access door to the upper</p> <p>20 wheelhouse is on the stern side or is on</p> <p>21 one of the sides?</p> <p>22 A. It's in the middle of the boat.</p> <p>23 Q. The access door to the upper</p> <p>24 wheelhouse?</p> <p>25 A. To the upper wheelhouse?</p>

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<p>1 Q. Yeah.</p> <p>2 A. It's -- you have to go to the</p> <p>3 lower wheelhouse to get up there.</p> <p>4 Q. And you -- do you go out of the</p> <p>5 lower wheelhouse to a ladder --</p> <p>6 A. Yes.</p> <p>7 Q. -- to ascend to the upper</p> <p>8 wheelhouse?</p> <p>9 A. Yes.</p> <p>10 Q. And is that ladder on the stern</p> <p>11 side of the boat, or is it on the port side</p> <p>12 or starboard side?</p> <p>13 A. It's more towards the -- it's</p> <p>14 in the middle of the boat actually.</p> <p>15 Q. On -- in the front of the boat?</p> <p>16 A. Once you come out of the back</p> <p>17 door of the wheelhouse, it's -- the stairs</p> <p>18 is like right in the middle, and you walk</p> <p>19 up those stairs.</p> <p>20 Q. Okay. But the stairs</p> <p>21 themselves are on the after side of the</p> <p>22 upper wheelhouse?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. So looking out of the</p> <p>25 upper wheelhouse, can you see the barge</p>	<p>1 if everything was okay, was the boat</p> <p>2 moving?</p> <p>3 A. I think the boat was going in</p> <p>4 reverse.</p> <p>5 Q. Backing up?</p> <p>6 A. Yes, backing.</p> <p>7 Q. Right. And was it a smooth,</p> <p>8 steady backup or was it a hasty backup?</p> <p>9 A. I really don't remember.</p> <p>10 Q. You just remember the sensation</p> <p>11 of backing up?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. How long does it take</p> <p>14 you to go from your rack on tug to that</p> <p>15 upper wheelhouse?</p> <p>16 A. A couple of seconds.</p> <p>17 Q. Pretty quick?</p> <p>18 A. Yes.</p> <p>19 Q. I mean, less than a minute?</p> <p>20 A. I could say that.</p> <p>21 Q. You don't really mean two</p> <p>22 seconds, but it's pretty quick?</p> <p>23 A. Yeah. If you think there's</p> <p>24 something going on, you rush. So you don't</p> <p>25 walk slow. I just walked up there to make</p>
Page 31	Page 33
<p>1 there in front of the --</p> <p>2 A. I didn't look outside of the</p> <p>3 window.</p> <p>4 Q. Okay.</p> <p>5 MR. RODGERS: You're talking</p> <p>6 about the day of?</p> <p>7 Q. Yeah.</p> <p>8 A. When I opened the wheelhouse</p> <p>9 door, I seen him standing there. I said,</p> <p>10 if everything's okay, he said, yeah. I</p> <p>11 turned around and got back in bed.</p> <p>12 Q. All right. Did you look at the</p> <p>13 push gear at all?</p> <p>14 A. No.</p> <p>15 Q. Could you see the barge at all</p> <p>16 when you got there?</p> <p>17 A. No. I looked at him, he's</p> <p>18 standing in the upper wheelhouse. I looked</p> <p>19 at him, he said everything was okay, I got</p> <p>20 back in bed.</p> <p>21 Q. And which way was he facing?</p> <p>22 A. He was facing the front of the</p> <p>23 barge.</p> <p>24 Q. While you were there, you know,</p> <p>25 briefly in the upper wheelhouse, asking him</p>	<p>1 sure everything was okay.</p> <p>2 Q. You look pretty athletic to me,</p> <p>3 okay? So I'm guessing that you can move</p> <p>4 pretty quickly?</p> <p>5 A. Yes.</p> <p>6 Q. Is that what you're saying you</p> <p>7 did?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Did you have to get</p> <p>10 dressed at all?</p> <p>11 A. No.</p> <p>12 Q. Okay. So you went back to your</p> <p>13 rack and fell asleep?</p> <p>14 A. Yes, I did.</p> <p>15 Q. And didn't get up again until</p> <p>16 your watch?</p> <p>17 A. Yes.</p> <p>18 Q. All right. Did Captain</p> <p>19 Morrissey say to you when you were in the</p> <p>20 upper wheelhouse that the boat had gone</p> <p>21 hard over?</p> <p>22 A. No. I asked him if everything</p> <p>23 was okay, he said, "Yes." I got back in</p> <p>24 bed.</p> <p>25 Q. So he didn't say to you that</p>

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<p style="text-align: right;">Page 34</p> <p>1 the boat went hard over?</p> <p>2 A. No, he didn't.</p> <p>3 MR. RODGERS: Objection to</p> <p>4 form.</p> <p>5 Q. Can you tell us what you did to</p> <p>6 prepare to testify today, Mr. Porter?</p> <p>7 A. What do you mean?</p> <p>8 Q. Did you -- in your mind, do you</p> <p>9 think you did anything to prepare to</p> <p>10 testify today?</p> <p>11 A. No.</p> <p>12 MR. RODGERS: Other than</p> <p>13 talking to his lawyer?</p> <p>14 Q. I appreciate that suggestion,</p> <p>15 Mr. Rogers.</p> <p>16 MR. RODGERS: Well, that's --</p> <p>17 Q. I assume that you did talk to</p> <p>18 Mr. Rogers before testifying today?</p> <p>19 A. Yes.</p> <p>20 Q. And I'm not suggesting that</p> <p>21 there's anything wrong with that.</p> <p>22 A. Okay.</p> <p>23 Q. Okay. I'm not trying to imply</p> <p>24 anything, but I am interested in what you</p> <p>25 did to prepare. So sounds like you did</p>	<p style="text-align: right;">Page 36</p> <p>1 MR. CHAPMAN: You know, again,</p> <p>2 I appreciate your suggestion.</p> <p>3 MR. RODGERS: I know, but --</p> <p>4 MR. CHAPMAN: I'm not -- it's</p> <p>5 not a trick question, okay? And</p> <p>6 it --</p> <p>7 MR. RODGERS: Well, it is if</p> <p>8 you haven't been at a deposition.</p> <p>9 And I'd like the distinction. Have</p> <p>10 you looked at any other documents</p> <p>11 other than with your counsel?</p> <p>12 Because it is an important</p> <p>13 distinction.</p> <p>14 Q. With that clarification,</p> <p>15 Mr. Porter, I'm just trying to understand</p> <p>16 what you've done to prepare. So if you</p> <p>17 looked at documents, there's nothing wrong</p> <p>18 with looking at documents, but I'm just</p> <p>19 trying to figure that out.</p> <p>20 A. With counsel?</p> <p>21 Q. Yeah.</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Did you have a look at</p> <p>24 any other documents without Mr. Rogers --</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 35</p> <p>1 talk to Mr. Rogers. Have you talked to him</p> <p>2 more than one time before testifying?</p> <p>3 MR. RODGERS: You can answer.</p> <p>4 A. Yes.</p> <p>5 Q. How many?</p> <p>6 A. Once.</p> <p>7 Q. Okay. So once today and once</p> <p>8 some other time?</p> <p>9 A. Yes.</p> <p>10 Q. In the last week or so?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Are you on or off today</p> <p>13 the boat?</p> <p>14 A. I'm on actually.</p> <p>15 Q. Okay. So the boat's tied up</p> <p>16 somewhere in New York harbor?</p> <p>17 A. Yes.</p> <p>18 Q. You came down today?</p> <p>19 A. Yes.</p> <p>20 Q. Great. Okay.</p> <p>21 Did you review any records to</p> <p>22 prepare to testify?</p> <p>23 A. No.</p> <p>24 MR. RODGERS: You mean with</p> <p>25 counsel?</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. -- to prepare to testify?</p> <p>2 A. No.</p> <p>3 Q. Okay. Do you understand the</p> <p>4 term allision, what that means in sailing</p> <p>5 circles or boating circles? It's for a</p> <p>6 vessel that strikes a fixed object, right?</p> <p>7 A. Yes. Yeah.</p> <p>8 Q. Did you know on June 15th, 2024</p> <p>9 that the barge while being pushed by the</p> <p>10 Tug Mackenzie Rose hit the bridge -- hit</p> <p>11 the Belt Line Railroad Bridge?</p> <p>12 A. I didn't know until afterwards.</p> <p>13 Q. So when did you first learn</p> <p>14 that that's what had happened?</p> <p>15 A. When I woke up.</p> <p>16 Q. That same day?</p> <p>17 A. Yes. Later on, we had the</p> <p>18 breakdown to put it on the wire.</p> <p>19 Q. So you would've gotten up</p> <p>20 around what? 6:00 p.m.?</p> <p>21 A. Yes.</p> <p>22 Q. Sometime before 6:00 p.m. to go</p> <p>23 on watch, right?</p> <p>24 A. Yes.</p> <p>25 Q. And it wasn't until you were on</p>

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<p style="text-align: right;">Page 38</p> <p>1 watch after 6:00 p.m. on June 15th that you</p> <p>2 first learned that the barge had hit the</p> <p>3 bridge, right?</p> <p>4 A. Yes.</p> <p>5 Q. What did you come to learn</p> <p>6 about what part of the barge had hit the</p> <p>7 bridge.</p> <p>8 MR. RODGERS: On that day, what</p> <p>9 you learned?</p> <p>10 Q. On that day, yes, sir.</p> <p>11 MR. RODGERS: Okay. What you</p> <p>12 had learned on that day.</p> <p>13 A. On the bowl, I guess.</p> <p>14 Q. Okay. And who told that to</p> <p>15 you?</p> <p>16 A. I don't remember who told me.</p> <p>17 Q. Well, process of elimination.</p> <p>18 Was it Jarkies Morrissey?</p> <p>19 A. I don't remember.</p> <p>20 Q. Okay. Jason McGrath?</p> <p>21 A. I don't remember.</p> <p>22 Q. Okay. Captain Morrissey?</p> <p>23 A. I don't remember.</p> <p>24 Q. Okay. I'm sorry to do this to</p> <p>25 you, but --</p>	<p style="text-align: right;">Page 40</p> <p>1 form.</p> <p>2 Q. And it may ever tell you that</p> <p>3 photographs had been taken of the bridge</p> <p>4 after the incident?</p> <p>5 A. Yes. I did hear there was</p> <p>6 photos.</p> <p>7 Q. Okay. And how did you learn</p> <p>8 that there was photos?</p> <p>9 A. Someone told me, I forget whom.</p> <p>10 Q. Was it the same day as the</p> <p>11 incident?</p> <p>12 A. No.</p> <p>13 Q. Any idea? Like two days later,</p> <p>14 two months later?</p> <p>15 A. I don't remember.</p> <p>16 Q. But at some point, you learned</p> <p>17 there were photos --</p> <p>18 A. Yes.</p> <p>19 Q. -- of the bridge --</p> <p>20 A. Yes.</p> <p>21 Q. -- after the incident?</p> <p>22 A. Yes.</p> <p>23 Q. You've never seen them?</p> <p>24 A. No.</p> <p>25 Q. So I just want to be clear</p>
<p style="text-align: right;">Page 39</p> <p>1 A. It's okay. No problem.</p> <p>2 Q. Same question with Captain</p> <p>3 Miller. You just don't remember, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Were you ever involved</p> <p>6 in checking out the head end of the barge</p> <p>7 to see if there was any damage to it?</p> <p>8 A. Yes.</p> <p>9 Q. Tell us about that.</p> <p>10 A. When we roundup on it, we just</p> <p>11 looked at it to see if there was anything,</p> <p>12 any dents, anything in it. And there</p> <p>13 wasn't any dents, anything in the barge.</p> <p>14 Q. You didn't see anything?</p> <p>15 A. No, I didn't.</p> <p>16 Q. Did anybody take pictures?</p> <p>17 A. I don't remember.</p> <p>18 Q. Have you ever seen pictures of</p> <p>19 the head end of the barge?</p> <p>20 A. No, I don't. No, I haven't.</p> <p>21 Q. Have you ever seen a picture or</p> <p>22 pictures of the condition of the railroad</p> <p>23 bridge after it was hit by the barge?</p> <p>24 A. No, I haven't.</p> <p>25 MR. RODGERS: Objection to</p>	<p style="text-align: right;">Page 41</p> <p>1 here. I'm going to show you what's been</p> <p>2 marked as Exhibit 1. And I apologize, it's</p> <p>3 a little grainy, but that the way it was</p> <p>4 produced to us by Carver.</p> <p>5 A. Okay.</p> <p>6 Q. Have you ever seen that photo</p> <p>7 before?</p> <p>8 A. No.</p> <p>9 Q. Can you tell that's a railroad</p> <p>10 bridge in the photo?</p> <p>11 A. I guess.</p> <p>12 Q. And I realize it's a little</p> <p>13 grainy.</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And I'm also going to</p> <p>16 show you Exhibit 2, which is the collection</p> <p>17 of four photographs that were provided to</p> <p>18 us by Carver. And again, the same apology.</p> <p>19 They're a little grainy, but that's the way</p> <p>20 we got them.</p> <p>21 A. Okay.</p> <p>22 Q. And those photos in Exhibit 2,</p> <p>23 I believe depict the head end of a barge.</p> <p>24 I don't know what barge, but a barge. But</p> <p>25 just looking at them, did they look like</p>

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<p style="text-align: right;">Page 42</p> <p>1 the condition of the barge as you observed</p> <p>2 it on June 15th, 2024 when you were getting</p> <p>3 ready to put it on the tow wire?</p> <p>4 A. I really don't remember.</p> <p>5 Q. I realize barges, kind of, look</p> <p>6 alike?</p> <p>7 A. Yes, they do.</p> <p>8 Q. Okay. And I'm just asking you</p> <p>9 for your best recollection?</p> <p>10 A. I don't remember.</p> <p>11 Q. Okay. Good enough. You can</p> <p>12 give me this back. Thank you.</p> <p>13 MR. RODGERS: I'm sorry. Madam</p> <p>14 Reporter, did Mr. Chapman say the</p> <p>15 15th or 16th?</p> <p>16 THE REPORTER: He said the</p> <p>17 15th.</p> <p>18 MR. RODGERS: Okay. Just my</p> <p>19 hearing.</p> <p>20 MR. CHAPMAN: Oh, good.</p> <p>21 MR. RODGERS: No, it's just</p> <p>22 my --</p> <p>23 Q. So to your memory, any problems</p> <p>24 with taking -- putting the tow on the tow</p> <p>25 wire and getting it up to wherever it was</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Do you remember giving</p> <p>3 the statement to Captain Miller?</p> <p>4 A. Yes.</p> <p>5 Q. I am going to pass to you</p> <p>6 Exhibit 15. Mr. Porter, I want to</p> <p>7 focus -- it's a three-page exhibit, but I</p> <p>8 just want to focus on Page 1 there.</p> <p>9 Is that the -- is that a copy</p> <p>10 of the statement that you wrote up --</p> <p>11 A. Yes, it is.</p> <p>12 Q. -- about the incident?</p> <p>13 A. Yes, it is.</p> <p>14 Q. And it -- it's not signed, but</p> <p>15 that's definitely your handwriting and your</p> <p>16 name?</p> <p>17 A. Yes, it is.</p> <p>18 Q. All right. So in the statement</p> <p>19 it says -- your name Sharif Porter. "I was</p> <p>20 in bed sleeping. I felt the boat sliding,</p> <p>21 thought we popped the push gear, went up</p> <p>22 the wheelhouse, that was when the captain</p> <p>23 told me the boat went hard over." And</p> <p>24 that's what do you recorded on the day of</p> <p>25 the incident, right?</p>
<p style="text-align: right;">Page 43</p> <p>1 going to in New Jersey?</p> <p>2 A. No.</p> <p>3 Q. Were you ever asked or</p> <p>4 instructed to write up a written</p> <p>5 statement --</p> <p>6 A. Yes.</p> <p>7 Q. -- about what you knew?</p> <p>8 A. Yes.</p> <p>9 Q. Who gave you that instruction?</p> <p>10 A. I think maybe Chris.</p> <p>11 Q. Chris Miller?</p> <p>12 A. Yes.</p> <p>13 Q. The captain?</p> <p>14 A. Yes.</p> <p>15 Q. All right. And did you do</p> <p>16 that?</p> <p>17 A. Yes, I did.</p> <p>18 Q. Was that the same day as the</p> <p>19 incident?</p> <p>20 A. I believe so.</p> <p>21 Q. Have you seen that statement</p> <p>22 since you wrote it?</p> <p>23 A. Yes, I have.</p> <p>24 Q. Only in connection with meeting</p> <p>25 with Mr. Rogers?</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Okay.</p> <p>2 Q. So does that refresh your</p> <p>3 recollection that the captain told you that</p> <p>4 the boat went hard over?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And when you say</p> <p>7 the captain, do you mean Captain Jimmy</p> <p>8 Morrissey?</p> <p>9 A. Right, yeah.</p> <p>10 Q. Okay. And it doesn't say you</p> <p>11 went back to bed but, you've told us that</p> <p>12 you did?</p> <p>13 A. Yes, I did.</p> <p>14 Q. Okay, all right. When he told</p> <p>15 you that the boat went hard over, what did</p> <p>16 you understand that to mean?</p> <p>17 A. That the boat just slide over.</p> <p>18 Q. That it was propelled to slide</p> <p>19 over or? I'm just trying to understand</p> <p>20 what your thinking is.</p> <p>21 MR. RODGERS: Objection to</p> <p>22 form.</p> <p>23 You can answer if you</p> <p>24 understand the question.</p> <p>25 A. I don't understand the</p>

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<p style="text-align: right;">Page 46</p> <p>1 question.</p> <p>2 Q. Well, he says the boat went</p> <p>3 hard over. When it goes hard over -- you</p> <p>4 told us that it went to the left or went to</p> <p>5 the port.</p> <p>6 A. Right.</p> <p>7 Q. So presumably it went hard over</p> <p>8 to the port.</p> <p>9 A. Yes.</p> <p>10 Q. Does that mean the whole</p> <p>11 flotilla went hard over, or the stern end</p> <p>12 of the tug went hard over, or what did that</p> <p>13 mean to you when he said that?</p> <p>14 MR. RODGERS: Objection.</p> <p>15 That's what the captain told him.</p> <p>16 But you're asking for personal</p> <p>17 knowledge of what happened to the</p> <p>18 boat.</p> <p>19 MR. CHAPMAN: You know</p> <p>20 Mr. Rogers, if he doesn't know what</p> <p>21 it means, that's fine. He just said</p> <p>22 what the captain told him but --</p> <p>23 MR. RODGERS: I know, but your</p> <p>24 question --</p> <p>25 MR. CHAPMAN: No, you --</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Do you know who did?</p> <p>2 A. No, I don't.</p> <p>3 Q. Have you ever seen it before</p> <p>4 today?</p> <p>5 A. I don't remember.</p> <p>6 Q. But your memory is that you</p> <p>7 didn't type this up?</p> <p>8 A. No, I didn't.</p> <p>9 Q. Okay. And then if you turn to</p> <p>10 the third page, this appears to be some</p> <p>11 type of a report, incident report. Got the</p> <p>12 Carver Marine Towing logo on it, all typed</p> <p>13 up. And then, it says, "Description of</p> <p>14 incident in your own words." Did you type</p> <p>15 this up?</p> <p>16 A. No, I didn't.</p> <p>17 Q. Do you know who did?</p> <p>18 A. No, I don't.</p> <p>19 Q. Is that your signature?</p> <p>20 A. It looks like it.</p> <p>21 Q. Did anybody ask you to sign</p> <p>22 this?</p> <p>23 A. I don't remember.</p> <p>24 Q. Would there be any reason for</p> <p>25 your signature to be on this that you know</p>
<p style="text-align: right;">Page 47</p> <p>1 MR. RODGERS: No. Your</p> <p>2 question was something outside what</p> <p>3 the captain told him.</p> <p>4 MR. CHAPMAN: My question was,</p> <p>5 what did he understand the captain to</p> <p>6 mean when he was told it went hard</p> <p>7 over? That's --</p> <p>8 MR. RODGERS: And then, you</p> <p>9 gave him your example of what it</p> <p>10 could be, and I'm objecting to that.</p> <p>11 You can answer if you</p> <p>12 understand the question, or if you</p> <p>13 have the answer.</p> <p>14 A. The boat -- that just felt like</p> <p>15 a slide, that's it.</p> <p>16 Q. Okay. If you could turn to the</p> <p>17 next page of Exhibit 15.</p> <p>18 This appears to be a typed up</p> <p>19 version --</p> <p>20 A. Mm-hmm.</p> <p>21 Q. -- of the same statement. Did</p> <p>22 you type this up?</p> <p>23 A. No, I didn't.</p> <p>24 Q. No?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 49</p> <p>1 of if someone hadn't asked you to sign it?</p> <p>2 A. I don't know if they did put it</p> <p>3 in front of me and I just signed it, and</p> <p>4 gave it back to them, but I really don't</p> <p>5 remember.</p> <p>6 Q. Do you know if -- it says on</p> <p>7 here that the manager is Lenny Baldarasse.</p> <p>8 Do you know who Mr. Baldarasse is?</p> <p>9 A. Yes, sir. Yes, I do.</p> <p>10 Q. Did he ask you to sign this?</p> <p>11 A. I don't remember who asked me</p> <p>12 to sign it.</p> <p>13 Q. In this third page of this</p> <p>14 exhibit, in the third sentence, it says, "I</p> <p>15 put my gear on and headed out on deck to</p> <p>16 check the push gear."</p> <p>17 You told us earlier you didn't</p> <p>18 check the push gear?</p> <p>19 A. I didn't.</p> <p>20 Q. Okay. And then, it goes onto</p> <p>21 say, "However, I noticed we had landed</p> <p>22 against the fenders of the bridge to slide</p> <p>23 through safely." Did you ever observe</p> <p>24 that --</p> <p>25 A. No, I didn't.</p>

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<p style="text-align: right;">Page 50</p> <p>1 Q. -- barge or tug?</p> <p>2 A. No, I didn't.</p> <p>3 Q. Let me finish my question. I</p> <p>4 just want -- I know you know what I'm</p> <p>5 asking.</p> <p>6 But I'm asking you, did you</p> <p>7 ever observe either the barge or the tug</p> <p>8 land against the fenders of the bridge as</p> <p>9 you went through the bridge opening?</p> <p>10 A. No, I don't.</p> <p>11 Q. Had you already gone back to</p> <p>12 your rack before the tug and barge made the</p> <p>13 transit through the bridge?</p> <p>14 A. Yes.</p> <p>15 Q. All right. Is it -- so -- I</p> <p>16 withdraw that.</p> <p>17 MR. RODGERS: Have you been</p> <p>18 given them back to him?</p> <p>19 THE WITNESS: Yeah, I --</p> <p>20 MR. RODGERS: Oh, okay.</p> <p>21 THE WITNESS: Yeah. Yeah.</p> <p>22 MR. RODGERS: Unless you</p> <p>23 get --</p> <p>24 A. I thought he gave it back to</p> <p>25 me. No, I don't.</p>	<p style="text-align: right;">Page 52</p> <p>1 of the boat. And I think you told us you</p> <p>2 didn't see anything that looked like</p> <p>3 damage.</p> <p>4 A. No, I didn't.</p> <p>5 Q. Right? Okay, on the barge?</p> <p>6 A. Yes.</p> <p>7 Q. Did you see anybody taking</p> <p>8 photographs of that end of the barge?</p> <p>9 A. I don't remember.</p> <p>10 Q. I understand there's a -- they</p> <p>11 call it the boat phone. There's a phone on</p> <p>12 the boat.</p> <p>13 A. Yes.</p> <p>14 Q. That's for company business,</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. Do you ever use it?</p> <p>18 A. No, I don't.</p> <p>19 Q. Have you ever been asked to</p> <p>20 take pictures with it?</p> <p>21 A. No, I haven't.</p> <p>22 Q. Do you take your own personal</p> <p>23 cell phone when you go on your sailing</p> <p>24 days?</p> <p>25 A. Sometimes.</p>
<p style="text-align: right;">Page 51</p> <p>1 MR. CHAPMAN: No, no.</p> <p>2 A. I thought he gave it to me.</p> <p>3 Yeah. My apologies.</p> <p>4 Q. So this is just another Exhibit</p> <p>5 14 that was given to us by Carver. I just</p> <p>6 want to confirm that that appears to be a</p> <p>7 photocopy of your merchant mariners</p> <p>8 document?</p> <p>9 A. Yes.</p> <p>10 Q. And that would've been the one</p> <p>11 that was valid at the time of this incident</p> <p>12 in June of 2024?</p> <p>13 A. Yes.</p> <p>14 Q. But you're since on a renewal,</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Great. That's all I</p> <p>18 need to know.</p> <p>19 You didn't have to submit to a</p> <p>20 drug or alcohol test after this accident,</p> <p>21 did you?</p> <p>22 A. No, I didn't. No.</p> <p>23 Q. When you were in the process of</p> <p>24 releasing the barge and then setting it up</p> <p>25 on the tow line, you could see the head end</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Have you ever used your</p> <p>2 personal cell phone to communicate on</p> <p>3 company business?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. In what way?</p> <p>6 A. To barge reports and things</p> <p>7 like that. If there was water in the barge</p> <p>8 and things like that.</p> <p>9 Q. You might, what, send a text to</p> <p>10 somebody, or --</p> <p>11 A. Yes.</p> <p>12 Q. -- call somebody, or?</p> <p>13 A. I would take a picture and send</p> <p>14 it to the captain or someone.</p> <p>15 Q. Another crew member?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Before getting underway</p> <p>18 with the barge, would you take the covers</p> <p>19 off, the manhole covers off --</p> <p>20 A. Sometimes, yes.</p> <p>21 Q. -- check the barge --</p> <p>22 A. Yes.</p> <p>23 Q. -- to see if it's got water?</p> <p>24 A. Yes.</p> <p>25 Q. Do you remember doing that for</p>

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<p>1 this particular boat?</p> <p>2 A. No.</p> <p>3 THE REPORTER: You have to let</p> <p>4 him finish.</p> <p>5 THE WITNESS: Oh, I'm sorry. I</p> <p>6 apologize.</p> <p>7 THE REPORTER: It's okay.</p> <p>8 MR. CHAPMAN: Okay. It was</p> <p>9 quite my fault too. Sorry.</p> <p>10 Q. Mr. Porter, I'm going to hand</p> <p>11 you Exhibit 6, which is a collection of</p> <p>12 daily logs produced to us by Carver?</p> <p>13 A. Mm-hmm.</p> <p>14 Q. Appears to cover the Mackenzie</p> <p>15 Rose from June 12th through June 16th,</p> <p>16 2024. Do you have any involvement or</p> <p>17 responsibility in preparing that log?</p> <p>18 A. No, I don't.</p> <p>19 Q. Have you seen the captain or</p> <p>20 the mate from time to time making entries</p> <p>21 in that Helm system --</p> <p>22 A. Yes, I do.</p> <p>23 Q. -- and fill it out?</p> <p>24 A. Yes.</p> <p>25 Q. If you could turn to page, I</p>	<p>1 need to say yes or no?</p> <p>2 A. Did you read it correctly?</p> <p>3 Q. Yes. That was my question.</p> <p>4 A. I guess you can read great.</p> <p>5 You read great.</p> <p>6 Q. Great. Okay. So here's my</p> <p>7 questions about this. Did you overhear</p> <p>8 that the Mate James Morrissey reported that</p> <p>9 the autopilot was not completely turned</p> <p>10 off?</p> <p>11 MR. RODGERS: Objection to</p> <p>12 foundation. You can answer.</p> <p>13 A. No.</p> <p>14 Q. Did you ever hear that he was</p> <p>15 able to correct anything related to the</p> <p>16 autopilot and switch over to hand steering?</p> <p>17 MR. RODGERS: Objection to the</p> <p>18 question. You can answer the</p> <p>19 question.</p> <p>20 A. No.</p> <p>21 Q. It mentions, then begin backing</p> <p>22 on the weeks 281 barge. You did say that</p> <p>23 you had experienced a sensation of backing</p> <p>24 up while you were up in the wheelhouse,</p> <p>25 correct?</p>
Page 55	Page 57
<p>1 think it's 56 in that. They're numbered at</p> <p>2 the bottom. You see it says Carver 0000</p> <p>3 something. But if you could turn to Page</p> <p>4 56, and at the top of that page it says,</p> <p>5 it's the log for the date of the incident,</p> <p>6 June 15th, 2024.</p> <p>7 A. Okay.</p> <p>8 Q. Right. If you go down to the</p> <p>9 1630 entry, you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And I'll just read it. It</p> <p>12 says, "Incident, Norfolk Virginia. Mate</p> <p>13 James Morrissey reports the autopilot was</p> <p>14 not completely turned off. He was able to</p> <p>15 correct and switch back over to hand</p> <p>16 steering and begin backing on the weeks 281</p> <p>17 barge and maneuvered the barge alongside</p> <p>18 fendering on the Northend PBLRR Bridge.</p> <p>19 Photo taken, proceeds slowly away from</p> <p>20 bridge."</p> <p>21 Did I read that correctly?</p> <p>22 A. Yes.</p> <p>23 MR. RODGERS: Objection.</p> <p>24 Foundation. You can answer it.</p> <p>25 Q. You nodded your head, but you</p>	<p>1 MR. RODGERS: Same objection.</p> <p>2 You can answer.</p> <p>3 A. Yes.</p> <p>4 MR. RODGERS: Jim -- oh, you're</p> <p>5 done?</p> <p>6 MR. CHAPMAN: That's all I got</p> <p>7 to say.</p> <p>8 MR. RODGERS: I was going to do</p> <p>9 a -- I'm going to do a continuing</p> <p>10 objection so I don't interfere with</p> <p>11 your questioning, but you're done for</p> <p>12 now.</p> <p>13 Q. In the lower wheelhouse, is</p> <p>14 there a written logbook where the captain</p> <p>15 or the master make entries?</p> <p>16 A. I believe so, yes.</p> <p>17 Q. It's like a whole year?</p> <p>18 A. Yes.</p> <p>19 Q. And there's a page for every</p> <p>20 day, right?</p> <p>21 A. Yes.</p> <p>22 Q. Have you ever made entries in</p> <p>23 that?</p> <p>24 A. No, I haven't.</p> <p>25 Q. You ever, like, thumbled through</p>

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<p style="text-align: right;">Page 58</p> <p>1 it or try to look something up in it?</p> <p>2 A. No. I haven't.</p> <p>3 Q. Okay. Is it sitting in some,</p> <p>4 you know, sitting on a desk, maybe it's</p> <p>5 open somewhere in the lower wheelhouse?</p> <p>6 A. On the table probably.</p> <p>7 Q. Okay. I'm going to pass you</p> <p>8 Exhibit 23, and, again, produced to us by</p> <p>9 Carver. It appears to be photocopies of</p> <p>10 pages from a logbook covering the period</p> <p>11 June 12th through June 16th of 2024.</p> <p>12 You see that?</p> <p>13 A. Okay.</p> <p>14 Q. I realize this isn't the</p> <p>15 logbook. This is just a copy of it, but</p> <p>16 are these the way the pages would look in</p> <p>17 that book?</p> <p>18 A. I believe so.</p> <p>19 Q. All right. And on page -- they</p> <p>20 all have numbers at the bottom. Page 242</p> <p>21 at the bottom, this is for Saturday, June</p> <p>22 15th, 2024. The five members of the crew</p> <p>23 of the tug are listed, right?</p> <p>24 A. Yes.</p> <p>25 Q. And that's accurate?</p>	<p style="text-align: right;">Page 60</p> <p>1 what was in his statement.</p> <p>2 Q. Yeah. And you told us that you</p> <p>3 had -- you felt the sensation of backing,</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Did anyone ever say</p> <p>7 anything about taping or we tapped the</p> <p>8 Northend PBLRR Bridge?</p> <p>9 A. No.</p> <p>10 Q. But you did hear about that</p> <p>11 when you came on watch later that day?</p> <p>12 A. I don't remember.</p> <p>13 MR. RODGERS: Objection to</p> <p>14 form.</p> <p>15 Q. Well, I apologize. I thought</p> <p>16 you said earlier, and if I'm wrong, please</p> <p>17 correct me. But I thought you said earlier</p> <p>18 that you were looking at the head end of</p> <p>19 the barge to see if there was any damage to</p> <p>20 it, correct?</p> <p>21 A. Yes.</p> <p>22 MR. RODGERS: Objection. I</p> <p>23 thought that was when they -- when he</p> <p>24 came --</p> <p>25 MR. CHAPMAN: On watch?</p>
<p style="text-align: right;">Page 59</p> <p>1 MR. RODGERS:</p> <p>2 Just -- objection. Foundation for</p> <p>3 Exhibit 23, and just a standing</p> <p>4 objection for that exhibit so I don't</p> <p>5 have to keep repeating it. Thank</p> <p>6 you.</p> <p>7 Q. I'm sorry. My question was,</p> <p>8 those are the crew members that were on the</p> <p>9 barge -- excuse me, on the tug that day?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And I want to direct</p> <p>12 your attention to the entry at 1630. You</p> <p>13 see that?</p> <p>14 A. Yes.</p> <p>15 Q. And it reads, "Co-captain</p> <p>16 reports steering went hard over and he was</p> <p>17 backing and we tapped the Northend PBLRR</p> <p>18 Bridge."</p> <p>19 I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. Great. So you told us that the</p> <p>22 captain told you that it went hard over?</p> <p>23 MR. RODGERS: Objection.</p> <p>24 Q. And --</p> <p>25 MR. RODGERS: I think that's</p>	<p style="text-align: right;">Page 61</p> <p>1 MR. RODGERS: -- when he got on</p> <p>2 the wire.</p> <p>3 MR. CHAPMAN: Yeah.</p> <p>4 MR. RODGERS: Okay. When he</p> <p>5 came on watch, not the wheelhouse,</p> <p>6 right?</p> <p>7 MR. CHAPMAN: Correct, yes.</p> <p>8 THE WITNESS: Yeah.</p> <p>9 MR. RODGERS: Okay. Well, I'm</p> <p>10 getting confused, and I don't want</p> <p>11 the witness to be confused.</p> <p>12 THE WITNESS: Thank you.</p> <p>13 Q. Is that right?</p> <p>14 A. When I came on -- when we put</p> <p>15 the barge on the wire.</p> <p>16 Q. Yes.</p> <p>17 A. That's when we was able to see</p> <p>18 the front.</p> <p>19 Q. Okay. And you were looking at</p> <p>20 it to see if there was any damage to it?</p> <p>21 A. Yes.</p> <p>22 Q. Right?</p> <p>23 A. There was no dents in or</p> <p>24 anything like that.</p> <p>25 Q. Okay. Do you recall who else</p>

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<p style="text-align: right;">Page 62</p> <p>1 was out on --</p> <p>2 A. No, I don't.</p> <p>3 Q. -- the deck at the time?</p> <p>4 A. No, I don't. I'm sorry.</p> <p>5 MR. RODGERS: You have to let</p> <p>6 him finish.</p> <p>7 THE WITNESS: Yeah, I know.</p> <p>8 Q. All right. So you give me back</p> <p>9 23.</p> <p>10 A. There you go.</p> <p>11 Q. Great, thanks.</p> <p>12 Mr. Porter, I want to show you</p> <p>13 what's been marked as Exhibit 4, which is a</p> <p>14 collection of documents that I believe come</p> <p>15 from the company's safety management</p> <p>16 system?</p> <p>17 A. Okay.</p> <p>18 Q. I don't know if that's</p> <p>19 complete, but have you ever seen a book at</p> <p>20 Carver that contains anything that looks</p> <p>21 like that, the contents of that?</p> <p>22 A. I'm sorry. What -- would you</p> <p>23 point to the documents?</p> <p>24 Q. Exhibit 4, yeah.</p> <p>25 A. Which --</p>	<p style="text-align: right;">Page 64</p> <p>1 pin things --</p> <p>2 A. Yes.</p> <p>3 Q. -- where you put a thumbtack in</p> <p>4 it?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And this Section</p> <p>7 5.1 is on that bulletin board?</p> <p>8 A. I believe so.</p> <p>9 Q. Okay. If you can turn to the</p> <p>10 next session which is numbered 6.12.</p> <p>11 Starts on Page 150. It is titled 6.12</p> <p>12 deckhand.</p> <p>13 A. Yes.</p> <p>14 Q. What about this?</p> <p>15 A. This is posted also.</p> <p>16 Q. On the bulletin board?</p> <p>17 A. Yes.</p> <p>18 Q. Have you ever read it on the</p> <p>19 bulletin board?</p> <p>20 A. Yes. I've breezed through it</p> <p>21 before, yes.</p> <p>22 Q. All right. Do you have a</p> <p>23 personal copy of it too?</p> <p>24 A. Yes.</p> <p>25 Q. Where?</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. Yeah. We can go --</p> <p>2 A. What inside?</p> <p>3 Q. Yeah. Open it to Page 2 of</p> <p>4 that exhibit, right? It's got -- at the</p> <p>5 top, it says, Section 5,1?</p> <p>6 A. Yes.</p> <p>7 Q. Right? And the title is</p> <p>8 master's responsibilities and authority?</p> <p>9 A. Yes.</p> <p>10 Q. Right. So is that particular</p> <p>11 page or document found anywhere on the boat</p> <p>12 on the Mackenzie Rose?</p> <p>13 A. I believe so.</p> <p>14 Q. Where?</p> <p>15 A. In the galley.</p> <p>16 Q. And is -- is -- where is it in</p> <p>17 the galley?</p> <p>18 A. On the bulletin board.</p> <p>19 Q. So how big is the bulletin</p> <p>20 board in the galley?</p> <p>21 A. Standard size bulletin board.</p> <p>22 Q. Like three by four feet?</p> <p>23 A. Yes. Something like -- yeah,</p> <p>24 something like this.</p> <p>25 Q. It's kind of one of those push</p>	<p style="text-align: right;">Page 65</p> <p>1 A. Home.</p> <p>2 Q. Is it part of that same book</p> <p>3 that you think --</p> <p>4 A. Yes.</p> <p>5 Q. -- you got years ago?</p> <p>6 A. Yes.</p> <p>7 Q. This exhibit is half an inch</p> <p>8 thick or so, right?</p> <p>9 A. Yes.</p> <p>10 Q. The book that you have -- I</p> <p>11 think you told us was maybe an inch thick,</p> <p>12 right?</p> <p>13 A. Probably something like that,</p> <p>14 yeah.</p> <p>15 Q. Okay. But the only way to know</p> <p>16 whether those sections that we just looked</p> <p>17 at are in that book would be to look at</p> <p>18 your book, right?</p> <p>19 A. Yes.</p> <p>20 Q. The book that you received, is</p> <p>21 it like a bound book or is it a three-ring</p> <p>22 binder or what is it?</p> <p>23 A. I got the book seven years ago.</p> <p>24 I really don't remember.</p> <p>25 Q. Okay. So was there any</p>

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<p>1 specific training that you can recall</p> <p>2 receiving as a deckhand about making bridge</p> <p>3 transits?</p> <p>4 MR. RODGERS: Objection to</p> <p>5 form.</p> <p>6 A. If the captain needs our help</p> <p>7 just to -- for visibility, he has to go out</p> <p>8 and stand on the barge.</p> <p>9 Q. So my question is a little bit</p> <p>10 different. I'm focused on whether you got</p> <p>11 any specific training about that as opposed</p> <p>12 to instruction to go do it?</p> <p>13 A. No.</p> <p>14 Q. No training?</p> <p>15 A. No.</p> <p>16 Q. Okay. So you told us that the</p> <p>17 master or the captain, whoever's at the</p> <p>18 wheel, the officer of the watch could give</p> <p>19 you instructions to go stand at the -- or</p> <p>20 be the lookout at the head end of the tow,</p> <p>21 right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And do you customarily</p> <p>24 do that for bridge transits in your work</p> <p>25 with Carver?</p>	<p>1 the court reporter read it back.</p> <p>2 MR. RODGERS: Oh, you weren't</p> <p>3 finished?</p> <p>4 MR. CHAPMAN: I was done with</p> <p>5 the question.</p> <p>6 MR. RODGERS: I didn't hear it.</p> <p>7 (Whereupon, the above record</p> <p>8 was read back by the court reporter.)</p> <p>9 Q. You understand the question?</p> <p>10 A. Yes -- no.</p> <p>11 Q. Can you recall Captain James</p> <p>12 Morrissey ever telling you to get serve as</p> <p>13 a lookout?</p> <p>14 A. I wasn't on his watch.</p> <p>15 Q. Well, what about Captain</p> <p>16 Miller?</p> <p>17 A. Yes.</p> <p>18 Q. He -- Captain Miller has?</p> <p>19 A. At times, yes. Not on that</p> <p>20 day, for certain day. But, yes, he has in</p> <p>21 the past.</p> <p>22 Q. So do you -- does Captain</p> <p>23 Miller still work for the company?</p> <p>24 A. He passed away.</p> <p>25 Q. When did you find out he passed</p>
Page 67	Page 69
<p>1 A. Sometimes.</p> <p>2 Q. And under what circumstances?</p> <p>3 A. If it's foggy out or if the</p> <p>4 captain really can't see, he'll instruct us</p> <p>5 to go out and give him distances and</p> <p>6 numbers.</p> <p>7 Q. And how do you give him those</p> <p>8 numbers?</p> <p>9 A. We stand on a barge and we tell</p> <p>10 him how far he is off of the bridge or the</p> <p>11 embankment or whatever.</p> <p>12 Q. And how do you communicate with</p> <p>13 him?</p> <p>14 A. Through radio.</p> <p>15 Q. So you take a handheld radio</p> <p>16 with you?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. While you were -- at any</p> <p>19 time during this particular voyage when the</p> <p>20 collision occurred at the bridge, do you</p> <p>21 recall ever being given instructions to</p> <p>22 serve as a look out?</p> <p>23 MR. RODGERS: Could you repeat</p> <p>24 that.</p> <p>25 MR. CHAPMAN: Sure. We'll get</p>	<p>1 away?</p> <p>2 A. A couple of days ago.</p> <p>3 Q. How did you find out?</p> <p>4 A. I think that one of my</p> <p>5 engineers told me.</p> <p>6 Q. Do you know what he passed of?</p> <p>7 A. No, I don't.</p> <p>8 Q. When was the last time you guys</p> <p>9 have served on the same crew rotation?</p> <p>10 A. I can't tell you. I don't</p> <p>11 remember.</p> <p>12 Q. Several months?</p> <p>13 A. Maybe seven, eight months,</p> <p>14 yeah.</p> <p>15 Q. Sometime in 2024 would've been</p> <p>16 the last time?</p> <p>17 A. I don't remember. Maybe.</p> <p>18 Q. Did you ever hear that he was</p> <p>19 ill?</p> <p>20 A. I know he had health</p> <p>21 complications. Yeah.</p> <p>22 Q. Who is the master of the tug</p> <p>23 that you currently serve with on the</p> <p>24 Mackenzie Rose?</p> <p>25 A. I think his name is Bruce.</p>

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<p style="text-align: right;">Page 70</p> <p>1 Q. Bruce?</p> <p>2 A. Yes. I don't know his last</p> <p>3 name.</p> <p>4 Q. Is he new?</p> <p>5 A. He's fairly new, yes.</p> <p>6 Q. And who's the mate that you</p> <p>7 currently serve with?</p> <p>8 A. Caleb.</p> <p>9 Q. Caleb. Do you know Caleb's</p> <p>10 last name?</p> <p>11 A. I don't know his last name.</p> <p>12 No, I don't.</p> <p>13 Q. Okay. So looking at Exhibit 4,</p> <p>14 the -- all of these sections are, kind of,</p> <p>15 in the order that you see them in on the</p> <p>16 first page. But they have page numbers,</p> <p>17 kind of, flop around, but towards the end,</p> <p>18 there's a section called bridge transits?</p> <p>19 MR. RODGERS: What page?</p> <p>20 MR. CHAPMAN: It's page</p> <p>21 0000910:</p> <p>22 MR. RODGERS: Near the end.</p> <p>23 Q. And it looks like this, just to</p> <p>24 help you find it. It's, you know, probably</p> <p>25 eight or ten pages from the end.</p>	<p style="text-align: right;">Page 72</p> <p>1 Here. Just --</p> <p>2 THE WITNESS: Not me.</p> <p>3 MR. RODGERS: That's not it,</p> <p>4 no. So it's in here. What's the</p> <p>5 page after this? Okay. That's</p> <p>6 right. All right. Here we go.</p> <p>7 Q. All right. You found it?</p> <p>8 A. Yes.</p> <p>9 Q. Sorry for the ordeal. 7.12,</p> <p>10 bridge transit which is page Carver 0000910</p> <p>11 in Exhibit 4.</p> <p>12 Do you know if this is posted</p> <p>13 in the galley?</p> <p>14 A. I can't recall.</p> <p>15 Q. Have you ever read it before?</p> <p>16 A. No, I haven't.</p> <p>17 Q. And then if you turn to the</p> <p>18 very next page, and it says at the top,</p> <p>19 7.16, lookout.</p> <p>20 A. Yes.</p> <p>21 Q. Right? Which is Carver 000155.</p> <p>22 Is this posted in the galley?</p> <p>23 A. I don't recall.</p> <p>24 Q. Have you ever read it before?</p> <p>25 A. No, I haven't.</p>
<p style="text-align: right;">Page 71</p> <p>1 A. You said 910?</p> <p>2 Q. 910, yes.</p> <p>3 A. Yes. Mine stops at 889.</p> <p>4 Q. Yeah. Well, the challenges are</p> <p>5 not all in order. There's a big group of</p> <p>6 them that has a blue band at the bottom</p> <p>7 right before it. It's about 26 pages all</p> <p>8 together. But right after it, you'll</p> <p>9 see -- go after the one we're looking at</p> <p>10 right now. The blue band at the bottom.</p> <p>11 Very next page after the end of that.</p> <p>12 MR. RODGERS: Wait, what's</p> <p>13 the -- oh, he's still looking for</p> <p>14 910?</p> <p>15 MR. CHAPMAN: Yes.</p> <p>16 MR. RODGERS: Yeah, it's near</p> <p>17 the end. She -- start at the end and</p> <p>18 go backwards is probably better.</p> <p>19 THE WITNESS: All right.</p> <p>20 MR. CHAPMAN: Got a big yellow</p> <p>21 bar across the middle of it.</p> <p>22 MR. RODGERS: It looks orange.</p> <p>23 MR. CHAPMAN: Okay. Orange.</p> <p>24 MR. RODGERS: I'm a little</p> <p>25 color blind. You want me to find?</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. That's all I got on the 4th.</p> <p>2 Thank you.</p> <p>3 Can you ever recall receiving</p> <p>4 any specific training on transit and</p> <p>5 bridges, Mr. Porter?</p> <p>6 A. No.</p> <p>7 Q. Can you ever recall any</p> <p>8 specific training on serving as a lookout?</p> <p>9 A. Yes.</p> <p>10 Q. And is that the instruction</p> <p>11 that you get to go post yourself as a</p> <p>12 lookout, or is there some specific training</p> <p>13 generally about lookout responsibilities?</p> <p>14 A. Generally, when you become an</p> <p>15 AB.</p> <p>16 Q. So this is back when you got</p> <p>17 your AB ticket?</p> <p>18 A. Yes.</p> <p>19 Q. I think you said five years</p> <p>20 ago?</p> <p>21 A. Yes.</p> <p>22 Q. Right. Did you attend a school</p> <p>23 for that training?</p> <p>24 A. Yes. Down in Virginia.</p> <p>25 Q. In Virginia?</p>

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<p style="text-align: right;">Page 74</p> <p>1 A. Yes.</p> <p>2 Q. In Norfolk, Virginia?</p> <p>3 A. Chesapeake Bay.</p> <p>4 Q. Somewhere in the Chesapeake</p> <p>5 Bay?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. You remember the name of</p> <p>8 the school?</p> <p>9 A. No, I don't. I think it was</p> <p>10 Chesapeake Marine Times Training.</p> <p>11 Q. How long was it?</p> <p>12 A. It was a class.</p> <p>13 Q. Like one day, or?</p> <p>14 A. I think it was two days.</p> <p>15 Q. Did Carver send you to that?</p> <p>16 A. No.</p> <p>17 Q. You had to pay for it out of</p> <p>18 your own pocket?</p> <p>19 A. Yes. I was reimbursed</p> <p>20 afterwards.</p> <p>21 Q. So there was some kind of test?</p> <p>22 A. Some kind of -- some type</p> <p>23 of --</p> <p>24 THE REPORTER: You have to let</p> <p>25 him finish.</p>	<p style="text-align: right;">Page 76</p> <p>1 that's about it really.</p> <p>2 Q. That sounds like a basic</p> <p>3 deckhand duties, right?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. I'm -- what I'm</p> <p>6 interesting in is whether there's any</p> <p>7 specific instruction about what to do when</p> <p>8 you've been posted as a lookout. Training,</p> <p>9 the things you're supposed to pay attention</p> <p>10 to while you are serving in the role of a</p> <p>11 lookout, you know, while the vessel's on</p> <p>12 the way.</p> <p>13 A. Other vessels on the way; there</p> <p>14 is a burning barrel on the back of a deck,</p> <p>15 what does it mean, things like that. But</p> <p>16 as far as other vessels are concerned; to</p> <p>17 look out for, there's divers in the water,</p> <p>18 the shapes and signals and the lights,</p> <p>19 things like that.</p> <p>20 Q. So that's sort of, like, I</p> <p>21 don't know if I can call it this. So</p> <p>22 whether you even agree with it, sort of</p> <p>23 good seamanship practices?</p> <p>24 A. Yes.</p> <p>25 Q. What you should know the</p>
<p style="text-align: right;">Page 75</p> <p>1 THE WITNESS: Sorry.</p> <p>2 A. Some type of program that if</p> <p>3 you with the company for more than two</p> <p>4 years, if you go get your -- upgrade your</p> <p>5 credentials, you'll get reimbursed for the</p> <p>6 classes.</p> <p>7 Q. So you have attended that</p> <p>8 class?</p> <p>9 THE REPORTER: Yes.</p> <p>10 A. Yes.</p> <p>11 Q. And you recall --</p> <p>12 THE WITNESS: I was waiting for</p> <p>13 him to finish, you see.</p> <p>14 Q. So apologies.</p> <p>15 That class you attended,</p> <p>16 somebody taught something about the lookout</p> <p>17 responsibilities?</p> <p>18 A. Yes.</p> <p>19 Q. And what do you remember of</p> <p>20 that?</p> <p>21 A. When you are on watch, you go</p> <p>22 around the vessel to make sure everything</p> <p>23 is okay, everything is secure. You do</p> <p>24 engine room checks. You check on the</p> <p>25 captain to make sure he is okay. And</p>	<p style="text-align: right;">Page 77</p> <p>1 difference between a green sign and a red</p> <p>2 sign?</p> <p>3 A. Basically.</p> <p>4 Q. Or if a vessel is in navigation</p> <p>5 or it's at anchor based on its lights.</p> <p>6 A. Yes.</p> <p>7 Q. That kind of thing?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Do you know what Rule 5</p> <p>10 is?</p> <p>11 MR. RODGERS: Objection to</p> <p>12 form.</p> <p>13 Q. Do you know what I mean by Rule</p> <p>14 5?</p> <p>15 A. No.</p> <p>16 Q. Are you familiar with the rules</p> <p>17 of inland navigation?</p> <p>18 MR. RODGERS: Other than what</p> <p>19 he has just described?</p> <p>20 MR. CHAPMAN: Yeah.</p> <p>21 A. No.</p> <p>22 Q. Okay. All right. Does Carver</p> <p>23 Marine have any sort of operating</p> <p>24 procedure, standard operating procedure for</p> <p>25 approaching and transiting through bridges?</p>

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<p style="text-align: right;">Page 78</p> <p>1 MR. RODGERS: Objection to</p> <p>2 form.</p> <p>3 You can answer if you know.</p> <p>4 A. No, I don't know.</p> <p>5 Q. Does the company have any</p> <p>6 policy or rules regarding the assignment of</p> <p>7 lookouts during the transit underneath</p> <p>8 bridges.</p> <p>9 MR. RODGERS: Objection to</p> <p>10 form.</p> <p>11 You can answer.</p> <p>12 A. Don't know.</p> <p>13 Q. Have you ever had the</p> <p>14 opportunity under the supervision of either</p> <p>15 the master or the mate on the vessel to</p> <p>16 actually operate the tug?</p> <p>17 A. No.</p> <p>18 Q. So you'd not been in the</p> <p>19 wheelhouse and handled the controls or the</p> <p>20 rudder, or anything like that?</p> <p>21 A. No.</p> <p>22 Q. What about the autopilot?</p> <p>23 A. No.</p> <p>24 Q. Do you understand what an</p> <p>25 autopilot is supposed to do?</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. After you arrived at</p> <p>2 destination of the voyage, when the -- a</p> <p>3 bridge was damaged --</p> <p>4 MR. RODGERS: Objection to</p> <p>5 form.</p> <p>6 Q. You're right. It starts with a</p> <p>7 bad lead-in.</p> <p>8 I'm focused right now,</p> <p>9 Mr. Porter, on the specific voyage when the</p> <p>10 barge hit the bridge on June 15th -- start</p> <p>11 on June 15th, ended, from what I</p> <p>12 understand, a couple of days later when the</p> <p>13 barge was delivered to some place in New</p> <p>14 Jersey, okay?</p> <p>15 So after that, did anybody come</p> <p>16 aboard the vessel to interview?</p> <p>17 A. I don't remember.</p> <p>18 Q. Do you recall the Coast Guard</p> <p>19 coming aboard the vessel at anytime to</p> <p>20 interview people about the incident?</p> <p>21 A. I don't believe so.</p> <p>22 Q. Did Mr. Baldarasse, to your</p> <p>23 recollection, come aboard the vessel to</p> <p>24 interview anybody?</p> <p>25 A. I don't remember.</p>
<p style="text-align: right;">Page 79</p> <p>1 A. Yes.</p> <p>2 Q. What is that?</p> <p>3 A. It keeps the --</p> <p>4 MR. RODGERS: Objection to</p> <p>5 form.</p> <p>6 You can answer what you know.</p> <p>7 A. The autopilot keeps the boat on</p> <p>8 the same course as it's supposed to be</p> <p>9 going on as if the captain was behind the</p> <p>10 controls.</p> <p>11 Q. And do you know how to</p> <p>12 disengage the autopilot --</p> <p>13 MR. RODGERS: Objection.</p> <p>14 Q. -- when it's necessary?</p> <p>15 A. If need be.</p> <p>16 Q. How do you that?</p> <p>17 A. Pressing --</p> <p>18 MR. RODGERS: Objection to</p> <p>19 form.</p> <p>20 A. Pressing the button.</p> <p>21 Q. Somewhere there on the control</p> <p>22 panel?</p> <p>23 A. Yes.</p> <p>24 Q. Or on the autopilot itself?</p> <p>25 A. On the autopilot.</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. In terms of your crew</p> <p>2 assignment back on June 15th, 2024 -- I</p> <p>3 think we have established that Jarkies</p> <p>4 Morrissey just hired on maybe six weeks</p> <p>5 earlier. Was he part of your crew</p> <p>6 assignment rotation?</p> <p>7 A. Yes.</p> <p>8 Q. From when he was hired?</p> <p>9 A. Yes.</p> <p>10 Q. So you guys were regular</p> <p>11 deckhands together?</p> <p>12 A. Yes.</p> <p>13 Q. And so, it'd -- probably been</p> <p>14 through two, maybe this was your third,</p> <p>15 two-week service with him?</p> <p>16 A. Maybe. I don't remember.</p> <p>17 Q. Okay. Do you remember the</p> <p>18 deckhand whose place he took?</p> <p>19 A. No, I don't.</p> <p>20 MR. CHAPMAN: I think I'm done,</p> <p>21 but I'd like to take a brief break</p> <p>22 just to --</p> <p>23 A. Sure.</p> <p>24 MR. CHAPMAN: -- kind of finish</p> <p>25 things up, and we'll come back on the</p>


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<p style="text-align: right;">Page 82</p> <p>1 record and --</p> <p>2 MR. RODGERS: Five minutes?</p> <p>3 MR. CHAPMAN: -- wrap up.</p> <p>4 MR. RODGERS: Is that enough?</p> <p>5 MR. CHAPMAN: That's probably</p> <p>6 fine.</p> <p>7 THE WITNESS: 10 minutes. I</p> <p>8 need --</p> <p>9 THE VIDEOGRAPHER: Okay. We</p> <p>10 are going off the record. The time</p> <p>11 is 1:40 p.m.</p> <p>12 Off the record.</p> <p>13 (Whereupon, a short recess was</p> <p>14 taken.)</p> <p>15 THE VIDEOGRAPHER: Beginning</p> <p>16 Media Number 2. We are back on the</p> <p>17 record. The time is 1:40 p.m.</p> <p>18 Q. Mr. Porter, with reference this</p> <p>19 voyage on June 15th when you were back up</p> <p>20 on your second watch on June 15th and</p> <p>21 involved in putting the barge on the tow</p> <p>22 wire, right?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Is that an all hands</p> <p>25 evolution?</p>	<p style="text-align: right;">Page 84</p> <p>1 Mr. Morrissey's deposition. Just</p> <p>2 we're reserving the right to come</p> <p>3 back pending whatever's produced that</p> <p>4 might require further questioning.</p> <p>5 MR. RODGERS: Okay, yeah.</p> <p>6 MR. CHAPMAN: Okay.</p> <p>7 MR. RODGERS: Pursuant, I</p> <p>8 think, to the judge's order and scope</p> <p>9 that the judge mentioned.</p> <p>10 MR. CHAPMAN: Yes.</p> <p>11 MR. RODGERS: Okay. The</p> <p>12 magistrate, I should say.</p> <p>13 THE VIDEOGRAPHER: Finished?</p> <p>14 MR. CHAPMAN: Yes.</p> <p>15 MR. RODGERS: Yes. Thank you,</p> <p>16 both.</p> <p>17 THE VIDEOGRAPHER: This is the</p> <p>18 end on the video deposition of Sharif</p> <p>19 Porter. We are going off the record.</p> <p>20 The time is 1:50 p.m.</p> <p>21 (Time noted: 1:50 p.m.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 83</p> <p>1 A. Yes.</p> <p>2 Q. So all five crew members</p> <p>3 would've somehow been involved, and up for</p> <p>4 it --</p> <p>5 A. Yes.</p> <p>6 Q. -- at the time?</p> <p>7 And then, whoever wasn't really</p> <p>8 on watch during that cycle, they then go to</p> <p>9 their own beds?</p> <p>10 A. They go to their beds after it</p> <p>11 was done.</p> <p>12 MR. CHAPMAN: Okay. All right.</p> <p>13 Great. That's all I got. Thank you.</p> <p>14 MR. RODGERS: That's it.</p> <p>15 THE REPORTER: And Counsel, you</p> <p>16 would like a copy of the transcript</p> <p>17 and the rough draft?</p> <p>18 MR. RODGERS: Yeah. The draft.</p> <p>19 THE REPORTER: That's a rough.</p> <p>20 MR. RODGERS: Oh, yes. I</p> <p>21 didn't hear the second word.</p> <p>22 THE REPORTER: It's okay.</p> <p>23 MR. RODGERS: Sorry.</p> <p>24 MR. CHAPMAN: As I said</p> <p>25 yesterday, I forgot to say during</p>	<p style="text-align: right;">Page 85</p> <p>1 A C K N O W L E D G M E N T</p> <p>2</p> <p>3 STATE OF NEW YORK)</p> <p>4 :ss</p> <p>5 COUNTY OF)</p> <p>6</p> <p>7 I, SHARIF PORTER, hereby certify that</p> <p>8 I have read the transcript of my testimony</p> <p>9 taken under oath on 30/04/2025; that the</p> <p>10 transcript is a true, complete and correct</p> <p>11 record of what was asked, answered and said</p> <p>12 during this proceeding, and that the</p> <p>13 answers on the record as given by me are</p> <p>14 true and correct.</p> <p>15</p> <p>16 -----</p> <p>17 SHARIF PORTER</p> <p>18 Signed and subscribed to</p> <p>19 before me this ____ day</p> <p>20 of _____, 2025</p> <p>21</p> <p>22 _____</p> <p>23 Notary Public</p> <p>24</p> <p>25</p>

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<div>1 CERTIFICATE</div> <div>2</div> <div>3 STATE OF NEW YORK)</div> <div>4 :ss</div> <div>5 COUNTY OF SUFFOLK)</div> <div>6</div> <div>7 I, LARIN KAYWOOD, a Notary Public</div> <div>8 within and for the State of New York, do</div> <div>9 hereby certify:</div> <div>10 That the witness whose examination is</div> <div>11 hereinbefore set forth was duly sworn and</div> <div>12 that such an examination is a true record</div> <div>13 of the testimony given by such a witness.</div> <div>14 I further certify that I am not</div> <div>15 related to any of these parties to this</div> <div>16 action by blood or marriage, and that I am</div> <div>17 not in any way interested in the outcome of</div> <div>18 this matter.</div> <div>19 IN WITNESS WHEREOF, I have hereunto</div> <div>20 set my hand this 30 day of April, 2025.</div> <div>21</div> <div>22</div> <div>23 </div> <div>24</div> <div>25 Larin Kaywood</div>	<div>Page 86</div>
<div>1 Errata Sheet</div> <div>2</div> <div>3 NAME OF CASE: IN THE MATTER OF COEYMANS MARINE TOWING, LLC</div> <div>4 DATE OF DEPOSITION: 04/30/2025</div> <div>5 NAME OF WITNESS: SHARIF PORTER</div> <div>6 Reason Codes:</div> <div>7 1. To clarify the record.</div> <div>8 2. To conform to the facts.</div> <div>9 3. To correct transcription errors.</div> <div>10 Page ____ Line ____ Reason ____</div> <div>11 From ____ to ____</div> <div>12 Page ____ Line ____ Reason ____</div> <div>13 From ____ to ____</div> <div>14 Page ____ Line ____ Reason ____</div> <div>15 From ____ to ____</div> <div>16 Page ____ Line ____ Reason ____</div> <div>17 From ____ to ____</div> <div>18 Page ____ Line ____ Reason ____</div> <div>19 From ____ to ____</div> <div>20 Page ____ Line ____ Reason ____</div> <div>21 From ____ to ____</div> <div>22 Page ____ Line ____ Reason ____</div> <div>23 From ____ to ____</div> <div>24</div> <div>25</div>	<div>Page 87</div>

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